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REMARKS

Restiction to the Specification under 35 U.S.C. 121:

The Examiner has asked that Applicants restrict the Specification to one of two inventions under §121. The Action states that the inventions are distinct because the device of group II does not have to be used to deliver a polynucleotide to a parenchymal cell. Applicants have amended claim 40 to obviate the restriction requirement.

Claim 40 has been amended to be a product by process claim. The device is limited to an *in vivo* polynucleotide delivery device which can only be used for delivery of a polynucleotide to a mammalian cell. Therefore, the requirement is believed to be obviated.

In view of Applicants' amendment, it is submitted that claim 40 falls within the search requirements of the group I claims and a distinct and separate search is not necessary.

However, Applicants provisionally elect the group I claims if a restriction is still deemed necessary.

Respectfully submitted,



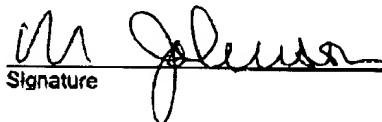
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I hereby certify that this correspondence is being sent by facsimile transmission to: The Assistant Commissioner for Patents, Washington, DC via the official fax number for Group 1633, 703.308.4242 on Friday, March 15, 2002.


Signature